

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CONTRARIAN EMERGING
MARKETS, L.P., GMO EMERGING
COUNTRY DEBT FUND, GMO
EMERGING COUNTRY DEBT
INVESTMENT FUND PLC, and GMO
EMERGING COUNTRY DEBT (UCITS)
FUND, Individually and On Behalf of All
Others Similarly Situated,

Plaintiffs,

-against-

THE REPUBLIC OF ECUADOR,

Defendant.

20 Civ. 5890

**[PROPOSED] ORDER TO SHOW
CAUSE FOR PRELIMINARY
INJUNCTION AND TEMPORARY
RESTRAINING ORDER**

Upon the accompanying Declaration of Christopher J. Clark, dated July 29, 2020, and the exhibits thereto, the Plaintiffs' Contrarian Emerging Markets, L.P., GMO Emerging Country Debt Fund, GMO Emerging Country Debt Investment Fund plc, and GMO Emerging Country Debt (UCITS) Fund (collectively, "Plaintiffs") Complaint, and upon the accompanying Memorandum of Law in Support of Plaintiffs' Motion for a Temporary Restraining Order and/or Preliminary Injunction, and good and sufficient cause appearing therefore, it is hereby

ORDERED, that Defendant The Republic of Ecuador ("Ecuador") appear and show cause before this Court, by computer videoconference to be arranged by counsel for Plaintiff on August ___, 2020, at ___ o'clock ___.m., or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure:

- (1) preliminarily enjoining The Republic of Ecuador, and any of its affiliates or others acting in concert with it, from proceeding with the transactions announced on July 20, 2020, or any parts thereof, and
- (2) ordering The Republic of Ecuador to (a) toll the expiration date for the transactions announced on July 20, 2020, which date is currently set for July 31, 2020 at 5:00 p.m. CET, for a period of time equal to the period of time between the signing of this order to show cause and the hearing for a temporary restraining order, and (b) enable bondholders who have already tendered Eligible Bonds to promptly withdraw their consents and tender orders unconditionally

ORDERED, that opposition papers, if any, shall be served by email upon counsel for Plaintiffs, Latham & Watkins LLP, 885 Third Avenue, New York, New York 10022 (chris.clark@lw.com), on or before August ____, 2020; and that reply papers, if any, shall be served by email upon Ecuador's counsel, Evan Koster, Hogan Lovells US LLP, 390 Madison Avenue, New York, NY 10017 (evan.koster@hoganlovells.com) on or before August ____, 2020; and it is further

ORDERED, that pending the hearing and determination of Plaintiffs' motion for a preliminary injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, and it appearing that Plaintiffs will suffer immediate and irreparable harm by Ecuador before a hearing can be held on Plaintiffs' motion for a preliminary injunction, Ecuador and any and all others in active concert and participation with it are temporarily:

- (1) preliminarily enjoined from proceeding with the transactions announced on July 20, 2020, or any parts thereof,

- (2) ordered to (a) toll the expiration date for the transactions announced on July 20, 2020, which date is currently set for July 31, 2020 at 5:00 p.m. CET, for a period of time equal to the period of time between the signing of this order to show cause and the hearing for a temporary restraining order, and (b) enable bondholders who have already tendered Eligible Bonds to promptly withdraw their consents and tender orders unconditionally

ORDERED, that security in the amount of \$_____ be posted by Plaintiffs prior to August ____, 2020, at ____ o'clock ____ .m. of that day; and it is further

ORDERED, that a copy of this Order to Show Cause, together with the papers upon which it is based, be served on or before July ____, 2020, by email upon Ecuador's counsel at evan.koster@hoganlovells.com which shall be deemed good and sufficient service.

SO ORDERED.

UNITED STATES DISTRICT JUDGE